

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

BETTY JO GOODMAN,

Plaintiff,

v.

MR. COOPER,

Defendant.

)
)
)
)
)
)
)
)
)
)

NO. 1:19-cv-00049

JUDGE CAMPBELL

MAGISTRATE JUDGE HOLMES

ORDER

Pending before the Court is the Magistrate Judge’s Report and Recommendation (Doc. No. 16), which was filed on October 24, 2019. Through the Report and Recommendation, the Magistrate Judge recommends that Defendant’s motion to dismiss (Doc. No. 9) and Plaintiff’s motion for summary judgment (Doc. No. 14) be denied. Defendant filed an objection (Doc. No. 18) to the Report and Recommendation.¹ For the reasons discussed below, the Magistrate Judge’s Report and Recommendation will be adopted and approved.

I. STANDARD OF REVIEW

Under 28 U.S.C. § 636(b)(1) and Local Rule 72.02, a district court reviews *de novo* any portion of a report and recommendation to which a specific objection is made. *United States v. Curtis*, 237 F.3d 598, 603 (6th Cir. 2001). General or conclusory objections are insufficient. *See Zimmerman v. Cason*, 354 F. Appx. 228, 230 (6th Cir. 2009). Thus, “only those specific objections to the magistrate’s report made to the district court will be preserved for appellate review.” *Id.* (quoting *Smith v. Detroit Fed’n of Teachers*, 829 F.2d 1370, 1373 (6th Cir. 1987)). In conducting

¹ Defendant filed a timely objection to the Report and Recommendation on November 7, 2019. (*See* Doc. No. 17). On November 11, 2019, Defendant filed a revised objection, (*see* Doc. No. 18), which appears to have corrected a typographical error contained in the first sentence of the original objection. The Court will consider Defendant’s revised objection (Doc. No. 18) as timely filed.

the review, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C).

II. ANALYSIS

Defendant objects to the Magistrate Judge’s recommendation that its motion to dismiss be denied. (Doc. No. 18 at 1). In considering Defendant’s motion, the Magistrate Judge concluded that:

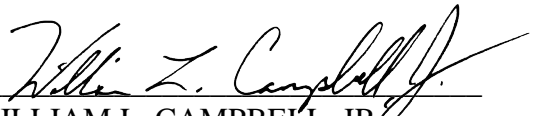
[w]hile there may be sound legal arguments for why Plaintiff fails to state a claim for relief under the FDCPA provisions set out in her complaint, these arguments simply have not been presented to the Court in the motion to dismiss. Indeed, other than briefly referring to the fact that Plaintiff alleges violations of 15 U.S.C. §§ 1692e and 1692f, Defendant’s Memorandum fails to refer to any case law regarding the FDCPA or make any actual legal arguments as to why Plaintiff fails to state a claim for relief under the FDCPA.

(Doc. No. 16 at 7-8). Defendant’s objection does not challenge the reasoning of the Report and Recommendation or identify any factual or legal errors on the part of the Magistrate Judge in determining that its motion to dismiss should be denied. Instead, Defendant raises new arguments as to why Plaintiff’s complaint should be dismissed for failure to state a claim. (*See* Doc. 18 at 2-7). However, Defendant’s arguments raised for the first time in its objection to the Report and Recommendation are not properly before the Court and will not be addressed. *See Murr v. United States*, 200 F.3d 895, 902 n. 1 (6th Cir. 2000) (“[W]hile the Magistrate Judge Act, 28 U.S.C. § 631 *et seq.*, permits *de novo* review by the district court if timely objections are filed, absent compelling reasons, it does not allow parties to raise at the district court stage new arguments or issues that were not presented to the magistrate.”). Thus, for all of the foregoing reasons, Defendant’s objection fails to state viable grounds to challenge the Magistrate Judge’s conclusions or otherwise provide a basis to reject or modify the Report and Recommendation.

III. CONCLUSION

Having reviewed the Report and Recommendation and considered Defendant's objection, the Court concludes that the Report and Recommendation (Doc. No. 16) should be adopted and approved. Accordingly, Defendant's motion to dismiss (Doc. No. 9) and Plaintiff's motion for summary judgment (Doc. No. 14) are **DENIED**.

It is so **ORDERED**.



WILLIAM L. CAMPBELL, JR.
UNITED STATES DISTRICT JUDGE